

REMARKS

This Amendment is in response to the Office Action of February 20, 2002. Applicant respectfully submits that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

THE SPECIFICATION

Applicant has amended the specification to update the information on page 1 of the specification, which information was not available at the time of filing the present patent application.

THE CLAIMS

REJECTION UNDER 35 USC 102

Claims 1-24, were rejected in the previous office action under 35 U.S.C. 102(e) as being anticipated by Bowman et al. (US 6,185,558B1). In particular, claims 1, 9, and 17, were rejected on the ground that "a system for use with a search engine to rank search results, (Col. 7, lines 3-13) comprising: an on-line ranking system for receiving rating data compiled from an on-line source based on interactive criteria, (Col. 5, lines 31-35), and for indexing the rating data, (Col. 6, lines 9-25); an on-line ranking repository for storing the rating data indexed by the on-line ranking system, (Col. 6, lines 23-25); and a result sorter for sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches, (Col. 9, lines 58-64)."

Applicant submits that the Bowman et al. patent does not disclose all the elements and limitations of the claims presently on file. Consequently, these claims are not

anticipated under 35 U.S.C. 102 and their allowance is earnestly solicited. In support of this position, Applicant submits the following arguments:

A. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a **single prior source must contain** all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicants' position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

B. Bowman et al. Patent

Briefly, the Bowman et al. patent describes a "software facility for identifying the items most relevant to a current query based on items selected in connection with similar queries. In preferred embodiments of the invention, the facility receives a query specifying one or more query terms. In response, the facility generates a query result identifying a plurality of items that satisfy the query. The facility then produces a ranking value for at least a portion of the items identified in the query result by

combining the relative frequencies with which users selected that item from the query results generated from queries specifying each of the terms specified by the query. The facility identifies as most relevant those items having the highest ranking values.” (Emphasis added - Refer to the Abstract).

Further, Bowman et al. describe the rating function of their invention as follows: “The rating function preferably retrieves a rating score for the combination of an item and a term from a rating table generated by the facility. The scores in the rating table preferably reflect, for a particular item and term, how often users have selected the item when the item has been identified in query results produced for queries containing particular term. (Emphasis added - Refer to Col. 2, lines 29-35).

Bowman et al. also list the various embodiments for their invention, as follows: “Various embodiments of the invention base rating scores on different kinds of selection actions performed by the users on items identified in query results. These include whether the user displayed additional information about an item, how much time the user spent viewing the additional information about the item, how many hyperlinks the user followed within the additional information about the item, whether the user added the item to his or her shopping basket, and whether the user ultimately purchased the item. Embodiments of the invention also consider selection actions not relating to query results, such as typing an item's item identifier rather than choosing the item from a query result. Additional embodiments of the invention incorporate into the ranking process information about the user submitting the query by maintaining and applying separate rating scores for users in different demographic groups, such as those of the same sex, age, income, or geographic category. Certain embodiments also incorporate behavioral information about specific users. Further, rating scores may be produced by a rating function that combines different types of information reflecting collective and individual user preferences. Some embodiments of the invention utilize specialized strategies for incorporating into the rating scores

information about queries submitted in different time frames.” (Refer to Col. 7, line 63 - Col. 8, line 19).

C. Brief Summary of the Present Invention

Prior to presenting substantive arguments in favor of the allowability of the claims on file, it might be desirable to summarize the present invention.

As indicated by the title, the present invention relates to a system and method for integrating on-line user ratings of businesses with search engines,” and addresses the problem facing current search engines that “use a variety of criteria to order matches to the user query and to rank the search results with higher quality pages listed at the top of the search list. Assessing quality involves both accurately matching the user query and identifying a useful, current web page. For instance, search engines may order the matches based on what is referred to herein as “static criteria”. Exemplary static criteria are the highest popularity, most recently updated, most visited, most queried, or most interconnected. It is common for users to limit the review of their search to only the first few matches of the search list.” (Reference is made to page 2, line 17 through page 3, line 4 of the specification.)

The present invention also aims at providing an “adequate mechanism by which searches of business sites can be ordered based upon interactive criteria about the businesses themselves, correlating higher quality search matches to higher business satisfaction ratings. For example, popularity, is a commonly used static criterion which is determined by the number of visits or queries of business sites, and which may depend on advertising, strategic business alliances, or creative naming of a site, and is therefore independent of customers satisfaction with the ranked businesses. Therefore, there is still an unsatisfied need for a system and method that integrate user provided interactive criteria, such as customers and on-line users’ satisfaction, with search engine results.” Reference is made to page 3, lines 12-

20 of the specification. Exemplary on-line sources include questionnaires and other on-line surveys obtained through other web based rating services. The business ratings assess the quality of the businesses in terms of "interactive" criteria such as customer satisfaction, professionalism, and cost and ease of use of products or services. (Reference is made to page 4, lines 6-9 of the specification.)

The business rating system integrates the ratings with the search results, and ranks and presents the integrated search results to the user based on such ratings. In this manner, the user of a search engine receives feedback from other users and/or customers about businesses of interest. (Reference is made to page 4, lines 12-14 of the specification). In a preferred embodiment, the users complete and submit on-line surveys that are integrated with the search engine results. The information provided by the users is recorded and evaluated for the purpose of ranking the businesses. The ratings are made available to future users of the search engines. In another embodiment, in addition to a numerical rating system, the current on-line users may include descriptive annotations regarding customer satisfaction to be read by future users. In this manner, qualitative as well as quantitative feedback may be provided by the current users and examined by future users. (Reference is made to page 5, lines 5-12 of the specification.)

In use, the on-line ranking system receives users' on-line surveys or feedbacks, and generates ranking data for storage in the on-line ranking repository. The user profile history enables the user to update or override the rating previously provided by this user but not the ratings provided by other users. (Reference is made to page 10, lines 12-14 of the specification). The cumulative rating computation can be weighted based upon other ratings a particular user may have provided. Reference is made to page 15, lines 2-3 of the specification).

D. Claim 1 and its Dependent Claims 2-8.

Applicant will now present arguments in support of allowance of the independent claim 1 over the anticipation rejection in view of Bowman et al. Claim 1 recites the following elements which, in combination with the other elements and limitations, are not described in Bowman et al.:

“1. (Once amended) A system for use with a search engine to rank search results, comprising:

an on-line ranking system for receiving rating data compiled from an on-line source based on interactive criteria that include feedback from users about businesses of interest to a particular user;

wherein the rating data correlates higher quality search matches to higher business satisfaction ratings; and

wherein the on-line ranking system indexes the rating data;

an on-line ranking repository ...; and

a result sorter ...” (Emphasis added).

Furthermore, and as quoted above, Applicant respectfully submits that the present invention expressly distinguishes over designs such as the Bowman’s design that relies on **“the number of visits or queries of business sites,” in that such designs may not be too reliable because they “may depend on advertising, strategic business alliances, or creative naming of a site,”** and thus, are not **“independent of customers satisfaction with the ranked businesses.”**

To conclude, independent claim 1 is not anticipated by the Bowman et al. patent. As a result, claim 1 and the claims dependent thereon (claims 2 - 8) are allowable, and such allowance is respectfully requested.

E. Claims 9 - 24

Independent claims 9 and 17 are allowable for similar reasons as presented earlier in favor of allowance of claim 1, since claims 9 and 17 contain substantially similar elements and limitations as in claim 1. As a result, the independent claims 9 and 17 and the claims dependent thereon (claims 10 - 16, and 18 - 24) are allowable, and such allowance is respectfully requested.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

THE SPECIFICATION

Page 1 of the specification has been amended as follows:

--CROSS-REFERENCE TO RELATED APPLICATIONS

This application is related to patent application Serial No. [_____] 09/488,471 titled "System and Method for Integrating Off-Line Ratings of Businesses with Search Engines" which is filed by the same assignee as this application on even date herewith, and which is incorporated herein by reference in its entirety.--

THE CLAIMS

Claims 1, 9, and 17 have been amended, as follows:

1. (Once amended) A system for use with a search engine to rank search results, comprising:

an on-line ranking system for receiving rating data compiled from an on-line source based on interactive criteria that include feedback from users about businesses of interest to a particular user;

wherein the rating data correlates higher quality search matches to higher business satisfaction ratings; and

wherein the on-line ranking system indexes [, and for indexing] the rating data;
an on-line ranking repository for storing the rating data indexed by the on-line ranking system; and

a result sorter for sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches.

9. (Once amended) A computer program product for use with a search engine to rank search results, comprising:

an on-line ranking system for receiving rating data compiled from an on-line source based on interactive criteria that include feedback from users about businesses of interest to a particular user;

wherein the rating data correlates higher quality search matches to higher business satisfaction ratings; and

wherein the on-line ranking system indexes [, and for indexing] the rating data;

an on-line ranking repository for storing the rating data indexed by the on-line ranking system; and

a result sorter for sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches.

17. (Once amended) A method for use with a search engine to rank search results, comprising:

receiving rating data compiled from an on-line source based on interactive criteria[, and] that include feedback from users about businesses of interest to a particular user;

the rating data correlating higher quality search matches to higher business satisfaction ratings;

indexing the rating data by means of an on-line ranking system;

storing the rating data indexed by the on-line ranking system, in an on-line ranking repository; and

sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches.

CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,



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